

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TOM HIGGINS,

Plaintiff,

CA No. 2:15-cv-13769

v.

TV GUIDE MAGAZINE, LLC,

Defendant

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**NOTICE GOVERNING MEDIATION**

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**Background**

(1) This serves as notice of the mediation, in accordance with E. D. Mich. LR 16.4(e)(2).

(2) There are no conflicts of interest with respect to Mr. Patrick Seyferth mediating the case.

(3) The parties consent to *ex parte* communications, unless an objection is filed with the Mediator. This agreement is also in accord with E. D. Mich. LR 16.4(e), regarding process. The Mediator shall maintain the confidentiality of all information acquired in the course of serving as Mediator, unless otherwise agreed to by the parties or as required by applicable law. *See Model Standards of Conduct for Mediators Standard V (AM. BAR ASS'N 2005).*

### **Pre-Mediation Party Responsibilities**

(4) On or before **Wednesday, July 25, 2018 at 5:00 p.m.**, each party shall submit a mediation statement not to exceed nine pages, to Mediator Patrick Seyferth via email ([seyferth@bsplaw.com](mailto:seyferth@bsplaw.com)), copying Katie Rzeppa ([rzeppa@bsplaw.com](mailto:rzeppa@bsplaw.com)). Pursuant to E. D. Mich. LR 16.4(e)(3), the mediation statements shall concisely delineate the party's position, including issues of both liability and damages. The mediation statements will be exchanged among and between the parties.

### **Mediation**

(5) The mediation will take place on **Wednesday, August 1, 2018, from 9:00 a.m. to 3:00 p.m.**, at Bush Seyferth & Paige PLLC, located at 3001 W. Big Beaver Rd., Suite 600, Troy, MI 48084.

(6) Pursuant to E. D. Mich. LR 16.4(e)(5), “[a]ll parties or individuals with settlement authority for the plaintiff and each defendant must attend the mediation in person. Corporate parties must be represented by an agent with authority to negotiate a binding settlement.” The Rule further requires each party to be “accompanied by the lawyer expected to be primarily responsible for handling trial of the matter.”

(7) Upon completion of the mediation, the Mediator will advise the court of the completion of mediation within seven days of completion, stating the date of

completion, who participated, whether settlement was reached, and whether further ADR proceedings are contemplated. *See* E. D. Mich. LR 16.4(e)(6).

**Administrative Matters**

(8) In accordance with Local Rule 16.4(d), the mediator “must be paid his or her standard hourly rate, assessed in as many equal parts as there are separately represented parties, unless the parties agree in writing or the court orders otherwise.” Given the court has not ordered otherwise, the parties shall split the cost of the mediation. The applicable rate to be charged by Bush Seyferth & Paige PLLC is set forth below:

<b>Attorney</b>	<b>Rate</b>
Patrick Seyferth, Partner	\$425

(9) If there is any disagreement or objection to the Notice Governing Mediation, the parties must provide notice of such objection to the Mediator and all other counsel no later than **Friday, July 6, 2018, at 5:00 p.m.** If no objections are received by the aforementioned date and time, the mediation will proceed as stated herein.



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Mediator Patrick Seyferth

**CERTIFICATE OF SERVICE**

I, Ari J. Scharg, an attorney, certify that on June 29, 2018, I served the above and foregoing by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Ari J. Scharg